

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Preta on 6/3/11.

The application has been amended as follows:

The abstract has been replaced with the following abstract:

--Bone replacement material to be used by being packed into a bone defective part, wherein the bone replacement material consists essentially of a calcium phosphate based compound and is formed into a pellet and satisfies both of the following conditions (I) and (II): (I) porosity is equal to or less than 75%; and (II) collapsing strength is equal to or more than 15Mpa. The pellet has a roughly polyhedral shape and is defined by a plurality of surfaces including a pair of opposite, non-parallel surfaces and a surface adjoining to the pair of opposite, non-parallel surfaces, one of the opposite, non-parallel surfaces being inclined at a predetermined angle with respect to the other of the opposite, non-parallel surfaces. The one of the opposite, non-parallel surfaces is non-adjoined with the other of the opposite, non-parallel surfaces in the pellet. The other of the opposite, non-parallel surfaces is perpendicular to the surface adjoining to the pair of opposite, non-parallel surfaces.--

The specification has been amended as follows:

On page 11, line 22, after "the cavity." --

The invention also provides for a bone replacement material to be used by being packed into a bone defective part, wherein the bone replacement material consists essentially of a calcium phosphate based compound and is formed into a pellet and satisfies both of the following conditions (I) and (II): (I) porosity is equal to or less than 75%; and (II) collapsing strength is equal to or more than 15Mpa. The pellet has a roughly polyhedral shape and is defined by a plurality of surfaces including a pair of opposite, non-parallel surfaces and a surface adjoining to the pair of opposite, non-parallel surfaces, one of the opposite, non-parallel surfaces being inclined at a predetermined angle with respect to the other of the opposite, non-parallel surfaces. The one of the opposite, non-parallel surfaces is non-adjoined with the other of the opposite, non-parallel surfaces in the pellet. The other of the opposite, non-parallel surfaces is perpendicular to the surface adjoining to the pair of opposite, non-parallel surfaces. The predetermined angle is in the range of 20 to 40°. The pellet of the roughly polyhedral shape is defined by a plurality of edges having different lengths, in which the length of the longest edge is in the range of 5 to 10 mm and the length of the shortest edge is in the range of 2 to 5 mm. The volume of the pellet of the bone replacement material is in the range of 13 to 239 mm³. The bone replacement material is adapted to be packed into a cavity of the bone defective part using a cylindrical member having a hollow passage. When a plurality of pellets of the bone replacement

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material are introduced and packed into the cavity in the bone defective part using the cylindrical member, each pellet of the bone replacement material is inserted into the hollow passage of the cylindrical member such that the inclined surface of the pellet faces the inclined surface of the adjacent pellet, whereby each pellet of the bone replacement material is pushed out in various directions from the hollow passage of the cylindrical member. The plurality of pellets are configured to be pushed into the cavity in the bone defective part using the cylindrical member after being placed into the hollow passage of the cylindrical member. The pellet is formed free of a through hole being provided therethrough.-- has been inserted.

Terminal Disclaimer

2. The terminal disclaimer filed on 5/17/11 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 7,238,209 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEGAN WOLF whose telephone number is (571)270-3071. The examiner can normally be reached on Monday-Friday 9:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. W./

Examiner, Art Unit 3738

/CORRINE M MCDERMOTT/

Supervisory Patent Examiner, Art Unit 3738